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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
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2164

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/895,654

Applicant(s)

TENORIO, MANOEL

Examiner

Sam Rimell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119


- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____


SAM RIMELL
PRIMARY EXAMINER

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vedula et al. (U.S. Patent 6,823,495).

Claim 1: FIG. 5 illustrates a graphical user interface which constitutes a mapping module.

The mapping module (graphical interface) receives a source schema (4) on the left side and target schema (10) on the right side.

Each schema is a taxonomy (i.e. a classification arrangement) comprised of a hierarchy of classes defined by records. For example, "Record 11" in the source schema (4) is a parent class and all indented items below "Record 11" are subclasses.

Both the source schema and target schema define an ontology (i.e. relationships between records, such as the relationship of parent class to subclass or source schema to target schema). As seen in FIG. 3C, each record has defined attributes, thus the ontologies in both the source schema and the target schema contain attributes.

Referring back to FIG. 5, classes (referring to either parent classes or subclasses) in the source schema can be associated to classes (referring to either parent classes or subclasses) in the target schema. The association is achieved by the mappings (16a) and (16b).

The ontology generation module is the processing engine (26) and map (28) illustrated in FIG. 2 which support the creation of the graphical interface in FIG. 5.

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Vedula et al. differs in that the individual records are not specifically referring to products, but are generic business document records (col. 3, line 10). Forming the records to contain non-functional descriptive material, such as product information, would have been obvious to one of ordinary skill in the art (*In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983): “when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability”).

Claim 2: User input in the form of highlighting (18a in FIGS. 4A and 4B) achieves the function of indicating which source classes are to be associated with which target classes. The association is established when lines (16a) or (16b) link the source and target schemas.

Claim 3: FIG. 5 is a view of a graphical user interface, and thus is a graphical representation of the taxonomies of the source and target schemas as well as the associations between the schemas seen by the user.

Claim 4: Within the source schema, some of the classes are leaf nodes, such as “Record 2” and “Record 8”.

Claim 5: The mappings (16a) and (16b) define intersections between the product ontologies of the source class and target class. These mappings are also ontologies (i.e. relationships) that further define both the source classes and the target classes.

Claim 6: The mappings can define intersections between any classes (parent class or subclass) in either the source schema or target schema.

Claim 7: The subject matter of claim 7 only differs from Vedula et al. in that the classes in the source schema and target schema are not defined as being associated with a seller. In other

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words, the records do not define seller information. However, modifying the records to define seller information is a modification to include non-functional descriptive material which is considered obvious to one of ordinary skill in the art (*In re Gulack*, cited above).

Claim 8: The source records and target records are XML business documents. Any of the mapping linkages (16a or 16b) constitute pointers. Since either a single document or a set of documents constitutes a database, the mapping links define pointers between databases. Modifying the documents to refer to seller information would have been a modification to include non-functional descriptive material, and would have been obvious to one of ordinary skill in the art, as per *In re Gulack*.

Claim 9: See remarks for claim 1.

Claim 10: See remarks for claim 2.

Claim 11: See remarks for claim 3.

Claim 12: See remarks for claim 4.

Claim 13: See remarks for claim 5.

Claim 14: See remarks for claim 6.

Claim 15: See remarks for claim 7.

Claim 16: See remarks for claim 8.

Claim 17: See remarks for claim 1.

Claim 18: See remarks for claim 2.

Claim 19: See remarks for claim 3.

Claim 20: See remarks for claim 4.

Claim 21: See remarks for claim 5.

Claim 22: See remarks for claim 6.

Claim 23: See remarks for claim 7.

Claim 24: See remarks for claim 8.

Claim 25: See remarks for claim 1.

Claim 26: See remarks for claim 1-3 and 8.

Claim 27: See remarks for claims 1-3 and 8.

Claim 28: See remarks for claims 1-3 and 8.

Remarks

Applicant's arguments have been considered.

Applicant first argues that Vedula does not disclose an ontology generation module or the general concept of generating an ontology. This argument is not correct. Vedula does disclose such a module in the form of the processing engine (26) and map (28) which act to support the generation of the of the graphical interface shown in FIG. 5.

Applicant provides an extensive discussion regarding an alleged taking of Official Notice by the Examiner, and requests that the examiner support such taking of Official Notice by supplemental documentation or by submission of a new affidavit. These arguments are moot, as the examiner has not invoked Official Notice.

As pointed out in the previous office action (action of October 19, 2006) and repeated herein, the distinction between the prior art reference to Vedula et al. and the claimed inventions resides in non-functional descriptive material, in particular product information. In cases where the only distinction between the prior art and the claims resides in such non-functional

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descriptive material, the non-functional descriptive material does not render the claimed invention non-obvious. The non-functional descriptive material is accordingly considered to have been an obvious feature to the person or ordinary skill in the art at the time of invention. There is no further requirement for Official Notice information or any invocation of Official Notice of the subject matter since it is non-functional descriptive material established by precedent as being non-obvious subject matter (See *Gulack* herein).

This conclusion that product information is non-obvious is further supported by the fact that applicant provides no argument or evidence that product information is novel. Applicant's arguments are procedural in nature, arguing that the examiner should observe a certain procedure when invoking Official Notice, even though no such Official Notice is being taken. Applicant never asserts the feature in question is actually novel or non-obvious, and this further supports the conclusion that such feature is not novel and would have been obvious.

Applicant also questions the meaning of "non-functional descriptive material". This concept is discussed at MPEP 2106.01 and its applicability to rejections under 35 USC 102 and 35 USC 103 are included in this section. It is also defined at MPEP 2106.02, Section II.

Applicant also includes additional discussion regarding the issues of asserting "common knowledge" or "common sense" as evidence. These arguments are also moot, as the examiner's basis for obviousness is a finding that product information is non-functional descriptive material considered obvious to the person of ordinary skill. While the examiner does not exclude the possibility that this is common knowledge or common sense, it not the particular basis relied upon for establishing the rejection.

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.



Sam Rimell
Primary Examiner
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